OIPE JC184
OCT 04 2001
PATENT & TRADEMARK OFFICE

RECEIVED
OCT 10 2001
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

September 29, 2001

Hon. Commissioner of Patents and Trademarks
Washington DC 20231

Applicant: Steven A. Benner
Title: A Method for Selecting Functional Deoxyribonucleotide Derivatives
Serial number: 09/415,966 Art Unit 1655
Filing date: October 12, 1999
Examiner. Lisa Arthur

COMMENTS ON REJECTIONS

With respect to the 35 USC 112 (Par. 1) rejection invoked in item 2 of the office action, it was not clear whether this rejection was being applied to Claims 3, 4, 7, and 8 (which are mentioned in the first paragraph of this item), or to Claims 3, 4, 7, and 9 (which are mentioned in the second paragraph of this item).

The Applicant respectfully requests a clarification concerning the Examiner's objection to Claim 8 versus Claim 9.

The application as presented by the Applicant's attorney's firm (Saliwanchik, Lloyd, and Saliwanchik) was missing Claims 3 and 9. By preliminary amendment, the claims were renumbered, and a fragmentary claim removed.

The Power of Attorney to Saliwanchik, Lloyd, and Saliwanchik has been revoked, and the Applicant will prosecute this case *pro se*.

Addressing the rejection of the remaining claims, the Applicant respectfully calls the Examiner's attention to points in the specification that provide antecedent basis for the structures in the claims.

For Claim 3 (renumbered), the Examiner's attention is respectfully called to pages 8 and 12 of the instant specification, and to U.S. Patent 5,432,272, filed October 9, 1990 (column 4, line 52), for which the instant application is a continuation in part. These places disclose 5-position modified pyrimidines and their analogs, 7-position modified purine analogs (specifically, the 7-deaza analog), and substitutions on the exocyclic positions of purines and pyrimidines. These are the structures in the claim.

For Claim 4 (renumbered), the Examiner's attention is respectfully called to pages 8 and 12 of the instant specification, and to U.S. Patent 5,432,272, filed October 9, 1990, for which the instant application is a continuation in part, in particular Figure 4 of said Patent, for supporting disclosure. The structures in this claim are a subset of those in Claim 3.

For Claim 7 (renumbered), the Examiner's attention is respectfully called to pages 8 and 12 of the instant specification, and to U.S. Patent 5,432,272, filed October 9, 1990 (column 4, line 52), for which the instant application is a continuation in part. These places disclose 5-position modified pyrimidines and their analogs, 7-position modified purine analogs (specifically, the 7-deaza analog), and substitutions on the exocyclic positions of purines and pyrimidines. These are the structures in the claim.

For Claim 8 (renumbered), the Examiner's attention is respectfully called to pages 8 and 12 of the instant specification, and to U.S. Patent 5,432,272, filed October 9, 1990, for which the instant application is a continuation in part, in particular Figure 4 of said Patent, for supporting disclosure. The structures in this claim are a subset of those in Claim 7.

For Claim 9 (renumbered), the Examiner's attention is respectfully called to page 7 of the instant specification, where the concept of a "cofactor" is disclosed in a form understandable to one of ordinary skill in the art, and to U.S. Patent 5,965,364, filed December 31, 1996, for